



**Australian Government**  
**Australian Trade Commission**

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1 October 2008

The Honourable Kevin J. Martin  
Chairman  
Federal Communications Commission  
445 12th Street SW  
Washington, DC 20554

Re: Aviation Data Systems  
Request for Waiver of Section 87.131  
Wireless Telecommunication Docket No. 08-9

Dear Chairman Martin,

On 15 October 2007, Australian owned Aviation Data Systems Pty Ltd. filed a request for a waiver of Section 87.131 of the Commission's Rules to permit equipment certification of its MPRT-500. On 15 February 2008, the public comment period closed for this matter.

Aviation Data Systems Pty Ltd. has not yet received formal notice regarding the status of their waiver application.

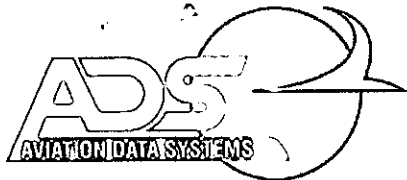
They have requested me to follow-up on their behalf. I would be grateful for any update on the progress of this matter that I may advise Aviation Data Systems Pty Ltd.

I have attached for your reference Aviation Data Systems Pty Ltd. request for our assistance.

Yours sincerely,

Alison McGuigan-Lewis  
Minister-Counsellor

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29<sup>th</sup> September 2008

Ms Alison McGuigan-Lewis  
Minister-Counsellor  
Australian Trade Commission  
Embassy of Australia  
1601 Massachusetts Avenue NW  
Washington, DC 20036  
United States of America

**Subject: Request for Assistance in Seeking Status of Pending Waiver Request**

**Ref a/ FCC Waiver Request – FCC Rules Part 87**  
**Ref b/ FCC WT Docket No. 08-9**

Dear Ms. McGuigan-Lewis

Aviation Data Systems (ADS) has developed a system (MPRT<sup>1</sup>) for testing the data communications capability of aircraft. Modern commercial aircraft transmit operational, engineering and administrative data over a VHF radio link to the ground. The data link is also a key element of the aviation industry's CNS/ATM<sup>2</sup> program which is designed to improve safety and cost efficiency of air traffic control into the next decades of air transportation. Military transport fleets are also equipping with the same data link capability for enhanced operations in civilian airspace.

To allow the MPRT system to be sold in the USA it must comply with relevant FCC regulations. However, because the MPRT is a new concept, it does not fit any existing device categories as defined in the FCC regulations.

As is the normal procedure in such cases, ADS has applied for a waiver against some existing regulations that best describe the nature of the MPRT.

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<sup>1</sup> MPRT: Multi-Protocol Ramp Tester

<sup>2</sup> CNS/ATM: Communications, Navigation, Surveillance / Air Traffic Management

The brief history of our waiver application(s) is listed below:

- Sept 15, 2005 • Request for waiver filed with FCC
- May 2, 2006 • FCC issues "Public Notice" DA 06-964 inviting industry comments
- Jan 30, 2007 • FCC issues DA 07-362 advising denial of application - providing reasons for denial

*Modifications to planned use of the equipment were made by ADS to satisfy the FCC's stated concerns and a second request for waiver was made on that basis.*

- Oct 15, 2007 • Second request for waiver filed with the FCC with a request for "expedited action"
- Jan 15, 2008 • FCC issues "Public Notice" DA 08-102, under WT Docket No. 08-9, inviting industry comments.
- June 10, 2008 • Request for "expedited treatment" made to FCC
- June 23, 2008 • Request for "expedited treatment" made to FCC
- July 15, 2008 • Request for "expedited treatment" made to FCC

During the course of this process, ADS has provided letters of support from the industry. A particular example is from Boeing, Long Beach CA, who are performing a total avionics retro-fit for the USAF's C-130 fleet under the "C-130 Avionics Modernization Program" (C-130 AMP). The addition of data link systems to those aircraft is part of that exercise.

Boeing advise as follows:

Intended Users and Customer/s:

- \* Boeing (system integration and operational testing)
- \* USAF (regular operations serviceability testing)

Boeing has most urgent requirement:

- \* First units required by end of July/early August
- \* Additional units required Oct 08 to Dec 2013

In consultation, Boeing and USAF plan to specify use of the MPRT in Air Force Tech Orders for VDL radio and datalink checkout.

ADS received an AusIndustry R&D Start Grant (Ref GRA03099) for the development of the MPRT in 2003 and is now hoping to commence sales of the product in the USA.

The FCC process appears to be taking an extremely long time – consequently introducing significant and frustrating delays to commercialization of the MPRT product. We have put significant effort into being “first to market” but the delays have potentially given competitors the opportunity to create a similar product. We have been unable to obtain any insight from the FCC into how long the outcome of our waiver request may take.

We now respectfully seek the assistance of the Australian Trade Commission in Washington DC to approach the FCC with a view to determining the status of our waiver request and, if possible, to lend support to that request.

We would greatly appreciate your assistance in this matter.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Murray Joss', with a stylized, cursive script.

**Murray Joss**  
**Managing Director**

**cc. Mr. Deo Chand, Austrade - Melbourne**

ASSY OF AUSTRALIA  
INGTON, D. C. 20036-2273  
ALIAN TRADE COMMISSION  
ssy of Australia  
Massachusetts Ave NW  
ngton DC 20036



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Chairman  
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